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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,511	08/03/2000	Behnam S. Katibian	B67933 (044368/0372)	9161
33649	7590	05/16/2005	EXAMINER	
Mr. Christopher John Rourk GODWIN GRUBER, LLP 1201 Elm Street, Renaissance Tower DALLAS, TX 75270			ALI, SYED J	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,511

Applicant(s)

KATIBIAN ET AL.

Examiner

Syed J. Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29,31-39,41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29,31-39,41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed February 28, 2005. Claims 21-29, 31-39, and 41-42 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 103

3. **Claims 21-29, 31-39, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rostoker et al. (USPN 6,111,863) (hereinafter Rostoker).**

4. As per claim 21, Rostoker teaches the invention as claimed, including a system for processing audio and video for a wireless handset comprising:

a controller generating priority data (col. 4 lines 30-32);

a plurality of channel buffers, where each channel buffer represents a logically separate channel of data (col. 4 lines 32-35); and

a transmission buffer system receiving priority data and data from one or more of the channel buffers and storing the data from the channel buffers in a transmission buffer (col. 5 lines 24-27), where the number of channel buffers to receive data from and the amount of data to be received from each channel buffer is determined by the priority data (col. 4 lines 47-58; col. 5 lines 28-32).

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5. It is noted that Rostoker does not specifically state that the transmitter is designed as a transmission buffer. Rostoker simply refers to the portion of the unit that transmits the signal as a "transmitter." However, if a buffer is understood as being a memory area that stores data, the transmitter of Rostoker is essentially the same as the claimed transmission buffer. Both take input in the form of priority data to determine which buffers, i.e. audio, video, or data, to read from and how much data to read from each. The data is then sent to the network via an uplink. Despite the small difference in wording, the claimed transmission buffer is essentially the same as the transmitter in Rostoker.

6. As per claims 22-24, Rostoker teaches the invention as claimed, including the system of claim 21 wherein the plurality of channel buffers further comprises an audio data buffer, a video data buffer, and a control data buffer (col. 4 lines 30-35).

7. As per claims 25-26, Rostoker teaches the invention as claimed, including the system of claim 21 wherein the controller generates priority data based on transmission channel bandwidth (col. 4 lines 30-32, 35-41) or processor capacity of a wireless handset processor (col. 5 line 59 - col. 6 line 13).

8. As per claim 27, Rostoker teaches the invention as claimed, including the system of claim 21 further comprising:

wherein the plurality of channel buffers further comprises an audio data buffer, a video data buffer, and a control data buffer (col. 4 lines 30-35); and

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wherein the controller generates priority data based on transmission channel bandwidth (col. 4 lines 30-32, 35-41) and on processor capacity of a wireless handset processor that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer (col. 4 lines 47-58; col. 5 lines 28-32).

9. As per claim 28, Rostoker teaches the invention as claimed, including the system of claim 21 wherein the controller receives user control data and uses the user control data to generate the priority data (col. 5 lines 8-18).

10. As per claim 29, Rostoker teaches the invention as claimed, including the system of claim 27 wherein the controller receives user control data (col. 5 lines 16-18) and uses the user control data to generate the priority data that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer (col. lines 8-16).

11. As per claim 31, Rostoker teaches the invention as claimed, including a method for processing audio and video data for a wireless handset comprising:

generating priority data (col. 4 lines 30-32, 35-41);

determining the number of channel buffers to receive data from based on the priority data (col. 4 lines 47-58; col. 5 lines 28-32); and

determining the amount of data to be received from each channel buffer by the priority data (col. 4 lines 47-58; col. 5 lines 28-32);

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storing data in a plurality of channel buffers, where each channel buffer represents a logically separate channel of data (col. 4 lines 30-35); and

storing the data from each selected channel buffer in a transmission buffer (col. 5 lines 28-35).

12. As per claims 32-34, Rostoker teaches the invention as claimed, including the method of claim 31 wherein storing data in the plurality of channel buffers further comprises storing the data in an audio data buffer, a video data buffer, and a control data buffer (col. 4 lines 30-35).

13. As per claim 35-36, Rostoker teaches the invention as claimed, including the method of claim 31 wherein generating priority data comprises generating priority data based on transmission channel bandwidth (col. 4 lines 30-32, 35-41) or processor capacity of a wireless handset provider (col. 5 line 59 - col. 6 line 13).

14. As per claim 37, Rostoker teaches the invention as claimed, including a method for processing audio and video data for a wireless handset comprising:

generating priority data based on transmission channel bandwidth and processor capacity of a wireless handset processor (col. 4 lines 30-32, 35-41);

storing data in an audio data buffer, a video data buffer, and a control data buffer (col. 4 lines 30-35);

determining the number of channel buffers to receive data from based on the priority data (col. 4 lines 47-58; col. 5 lines 28-32); and

determining the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is to be stored in the transmission buffer based on the priority data (col. 4 lines 47-58; col. 5 lines 28-32); and

storing the data from each selected channel buffer in a transmission buffer (col. 5 lines 28-35).

15. As per claim 38, Rostoker teaches the invention as claimed, including the method of claim 37 further comprising:

receiving user-entered control data (col. 5 lines 16-18); and

generating the priority data from the user-entered control data (col. 5 lines 8-16).

16. As per claim 39, Rostoker teaches the invention as claimed, including the method of claim 37 further comprising:

receiving user control data (col. 5 lines 16-18);

generating priority data that changes the amount and sequence of data from the audio data buffer, the video data buffer, and the control data buffer that is stored in the transmission buffer from the user control data (col. 4 lines 47-52; col. 5 lines 8-16).

17. As per claim 41, Rostoker teaches the invention as claimed, including the system of claim 21, further comprising priority data associated with each channel buffer, wherein audio data can have a lower priority than video data or control data (col. 4 lines 47-52).

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18. As per claim 42, Rostoker teaches the invention as claimed, including the method of claim 37, further comprising generating priority data associated with each channel buffer, wherein audio data can have a lower priority than video data or control data (col. 4 lines 47-52).

Response to Arguments

19. Applicant's arguments with respect to claims 21-29, 31-39, and 41-42 have been considered but are moot in view of the new grounds of rejection.

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Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
May 10, 2005



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